

The Curry Road Improvement.

1st Petition

Record of proceedings in the matter of The Curry Road Improvement petitioned for by J. W. Curry and others and located in Stokes Township, Madison County, Ohio.

Petition, Filed February 11<sup>th</sup> 1901, B. A. Taylor, County Auditor.  
 To the Board of County Commissioners Madison County Ohio. We, the undersigned, land owners of three or more townships of Madison County, Ohio, respectfully petition your honorable body to improve by grading, graveling, draining and bridging, under and in accordance with the provisions of an act for the improvement of certain Public Roads, and to amend an act passed by the Legislature of Ohio, April 19<sup>th</sup> 1898. (And found in the 93 Volume of the Ohio Laws page 126) and passed April 16<sup>th</sup> 1900 and found in Volume 94, page 403 of the Ohio Laws the unimproved county road along the following described route: Commencing at the Federal Road (which is an improved graded and graveled public road) about a mile west of South Colon in the line of E. S. Gordin and Frederick Gordin; thence in a south westerly direction following the present route of said road about two and one half miles to the Green County line and terminating thereat which is the end of the improved, graded and graveled part of the Grape Grove Road, the same to connect there with said improved, graded and graveled part of the Grape Grove Road.

- |  |                                  |
|--|----------------------------------|
| Jno. S. Gore, Range Township.          | G. W. Hornbeck, Stokes Township. |
| A. T. Bordray, Union                   | G. R. Borell, Stokes Township    |
| Wary Jones, Land holder, Range         | Howard Borell, " "               |
| Scott Chenoweth, Land Owner, Range Sp. | Adaline Ritman, " "              |
| J. W. Curry, Stokes Township           | N. J. Early, " "                 |
| E. S. Gordin, Stokes                   | James K. Brock, " "              |
| R. B. Gordin, Stokes                   | J. C. Smith, " "                 |
| J. M. O'Day, Pleasant                  | Joseph Thomas, " "               |
| J. A. Chapman, Stokes                  |                                  |
| Theodore Clemens, Stokes               |                                  |
- Filed Feby. 11<sup>th</sup> 1901. B. A. Taylor, Auditor.

2nd Petition.

Filed February 11<sup>th</sup> 1901. B. A. Taylor, County Auditor.  
 We the undersigned land holders of Madison County, Ohio, do hereby petition the Commissioners of said County to improve by grading, graveling and culverting the unimproved road: Beginning at the Federal Road (an improved graded and graveled road) in the line of E. S. Gordin and Fred. Gordon (formaly); and thence with the line of said unimproved road to the Green County Line; the end of the Grape Grove improved road, under an act passed by the General Assembly, April 16<sup>th</sup> 1900, for the improvement of certain public roads and to amend an act of the General Assembly, passed April 19<sup>th</sup> 1898. M. B. Price Stokes Township, G. S. Starod, Dr. S. Pancake, Wm. Lucas,

## The Curry Road Improvement.

L. W. Brock, W. H. Blessing, Joseph Sheets.

Appointment of  
Viewers. Com. Journal  
Volume 7, Page

Commissioner's Office, Madison County, London, Ohio, February 11<sup>th</sup> 1901.  
Board of Commissioners met today in Regular Session.  
Present: Chas. H. Markley, H. E. Bradley and Jas. B. Anderson.  
In the matter of the petition for The Improvement of the Curry Road.  
A petition signed by twenty (20) land owners from the Townships  
of Pleasant, Range, Stakes and Union, Madison County, Ohio,  
was this day presented to the Board of Commissioners of  
said Madison County, Ohio, praying for the improvement,  
by grading, graveling, draining and bridging, under and in  
accordance with the provisions of an "Act for the Improve-  
ment of certain Public Roads, passed by the Legislature of Ohio,  
April 16<sup>th</sup> 1900, and found in Volume 94 Page 403, of the Laws of Ohio,  
an unimproved County Road along the following described  
route:

Description of  
Route

Commencing at the Federal Road (which is an improved,  
graded and gravelled <sup>public</sup> road, about a mile west of South Salow,  
in the line of E. D. and Frederick Bordin; thence in a south westerly  
direction following the present route of said road about two  
and one half miles to the Green County Line and termina-  
ting thereat, which is the end of the improved graded and  
gravelled part of The Grape Grove Road; thence to connect  
there with said improved, graded and gravelled part of  
The Grape Grove Road.

Viewers appointed

Thereupon the Board appointed Peter Don, R. P. Shotts and  
D. J. Paulin, three disinterested and judicious free holders  
of the County as Viewers of said road, and directed  
them to meet on the 22<sup>nd</sup> day of February, 1901, at the  
residence of J. W. Curry, and after being duly sworn  
faithfully to perform their duties, secure a Surveyor  
and proceed to view said road and ascertain the  
character and dimensions of the improvement,  
which in their judgement should be made, make  
a careful estimate of the cost thereof, and make  
due return with proper detail drawings of the same  
to said Commissioners.

The County Auditor is directed to give notice to the  
Viewers of their appointment.

Upon call of roll for the approval of the foregoing entry  
and order relating to said petition and road,  
Chas. H. Markley, H. E. Bradley and Jas. B. Anderson voted "aye".  
Board adjourned to meet in regular session, Monday,  
February 18<sup>th</sup> 1901, at 10 o'clock, A. M.

B. A. Taylor,  
Auditor and Clerk.

Chas. H. Markley } Commissioners  
H. E. Bradley } of  
Jas. B. Anderson. } Madison County

## The Lunny Road Improvement.

Notice to Viewers

Auditor's Office, Madison County, London, Ohio, February, 12<sup>th</sup> 1901.  
 To Peter Dorn, R. P. Shotts and S. J. Paullin,  
 Gentlemen: A petition was filed in this office on the 11<sup>th</sup> day of February, 1901, praying for the improvement of a certain public road, described as follows:  
 Commencing at the Federal Road (which is an improved, graded and graveled public road) about a mile west of So. Solon in the line of C. S. and Frederick Gordon; thence in a south westerly direction following the present route of said road about two and one half miles to the Green County Line and terminating thereat; which is the end of the improved, graded and graveled part of the Grape Grove Road; thence to connect there with said improved, graded and graveled part of the Grape Grove Road.

And such proceedings were had that the County Commissioners have appointed you as Viewers of said proposed road improvement.

You will therefore meet on Wednesday, the 20<sup>th</sup> day of February 1901, at the residence of J. W. Lunny, and after being duly sworn, will secure a Surveyor and proceed to view said road and ascertain the character and dimensions of the improvement, which in your judgement should be made, make a careful estimate of the cost thereof, and make due returns, with proper drawings of the same to the County Commissioners.

This road improvement is petitioned for under the provisions of the Act passed by the Legislature of Ohio, April 16<sup>th</sup> 1900, Ohio Laws, Vol. 94, Page 403.

Respectfully,

B. A. Taylor, County Auditor.

Certificate of Oath of Viewers

## Certificate of Oath of Viewers.

State of Ohio, Madison County, February 22<sup>nd</sup> 1901.  
 Before me, the undersigned authority, within and for said County, personally came A. C. Shotts, S. J. Paullin and Peter Dorn, Viewers, of a road improvement petitioned for by John S. Dore et al. and located within said County and State, and were by me duly sworn to discharge faithfully and according to law the duties of their several appointments.

A. C. Shotts, S. J. Paullin and Peter Dorn, Viewers.

Sworn to and subscribed before me this 22<sup>nd</sup> day of February, A. D. 1901.

J. H. Asher, Surveyor of Madison County, Ohio.

Report of Viewers

## Report of Viewers.

London, Ohio, February 23<sup>rd</sup> 1901.  
 To the Board of Commissioners of Madison County, Ohio.  
 In compliance with your order to us, hereto attached, we, the undersigned Viewers and Surveyor, met near the

## The Bury Road Improvement.

residence of Otis Ware, Stokes Township, Madison County, Ohio, on the 22<sup>nd</sup> day of February, 1901, and after having been duly sworn, as will further appear from the certificate of said oath hereto attached, proceeded carefully to examine and view the road described in said order, and after having made said examination and view, we ordered the undersigned surveyor to make a survey. The road having been surveyed by his predecessor in office, D. S. Mc Cafferty, in 1898. (Nov. 21<sup>st</sup>) his survey was adopted as follows:

Beginning at a stake in the center of the Federal Road, corner to the lands of E. B. Bordin and Sarah Beoddy; Thence S. 6° 30' W. 3859 feet to a stake in the north line of Mary L. Hirst and corner to school lot and E. B. Bordin; Thence N. 86° 10' W. 1941 feet to a stone, north west corner to said Hirst and north east corner to Geo. L. Correll; Thence S. 4° 30' W. 2441 feet to a stone, corner to L. W. Houston and E. Ridenour; thence S. 4° 30' W. 1721 feet to a stone in the west line of said Ridenour; thence N. 85° 35' W. 2269 feet to a stake in the line between Green and Madison Counties and there terminating. A distance in all of about 12231 feet or two miles and 101.27 rods.

We hereto attach a profile of said road showing the location of cuts, fills, culverts, bridges &c. and a plat of the lands lying adjacent to said road; showing the number of acres in each tract, the names of the owners thereof and the route of said road through said lands; and drawing of cross sections of said road and its side ditches; also description and explanation relating to said road as surveyed and laid out by us.

We find, that in our opinion, said improvement would be of great convenience to the general public as well as to the residents in its vicinity and further that it is a public necessity.

We recommend the improvement of said road, if done as shown by said plat, cross sections, profile, drawings, descriptions, explanations and specifications all of which are made a part of this report.

Following are the specifications as ordered by us for the improvement of said road.

Specifications

Specifications

For the improvement of the Bury Road petitioned for by John D. Ware and others under an act of the Legislature dated April 19<sup>th</sup> 1898. Vol. 93, Page 126 Ohio Laws and amended April 16<sup>th</sup> 1900. Vol. 94 pages 403-405, Ohio Laws.

The road to be opened to the width of forty feet, 20 feet on each side of center line thereof.

The road to be cleared of all obstructions to the full width and all trees, brush, stumps &c standing within the area required for the construction of the grade, and ditches must be removed by grubbing, except in fills where they may be

## The Curry Road Improvement.

cut off level with the ground and filled over, provided the fill is not less than one foot.

The grade to be made 24 feet wide, 12 feet on each side of the center line of the road and to be made to crown 6 inches to the center line of the gravel. The sides of all cuts, fills &c to be made on a slope of at least one to one.

The grade to be made true and even with edges thereof properly aligned and must be maintained in such condition until accepted by the Commissioners of Madison County, Ohio.

On each side of said grade must be constructed a ditch 2 feet wide in the bottom and at least  $1\frac{1}{2}$  feet below the crown of the grade at all points and at no place less than 5 feet wide on top. Said ditches must be so graded as to leave no ponds or pools by the road side and so that the water may have an unobstructed flow therein, to the proper outlet. The banks of said ditches to be sloped at an angle of  $1\frac{1}{2}$  to 1.

The gravel to be of good quality entirely free from top dirt, loam, clay or sediment and to be placed upon the right hand side of the grade: 10 feet wide and 12 inches deep, sides and center: the center line thereof parallel to and 3 feet to the right of the center line of the road making the center of the gravel immediately over the crown of the grade. No stone larger than 3 inches in diameter will be considered as gravel and must not be used within the limits of the road.

The gravel must measure full in width and depth at the time of the final completion of the road and any shortage in quantity or any lack of quality must be made good before settlement.

No gravel must be put on the road until the superintendent shall have issued his certificate that there is at least 80 rods of grade completed with the ditch and sewers. It shall be the duty of the contractor to keep the grade, gravel and ditches in first class condition until the Commissioners have accepted the same.

## Sewers.

All sewers and the cost of putting them in, together with freight and hauling thereof are included in the estimated cost of the grade and must be put in according to the instructions of the superintendent.

The size and length of the sewers will be found on the profile filed herewith.

## Bridges.

The County Commissioners will have the supervision and construction of all bridges.

Estimates will be issued on completed sections of one half mile upon the certificate of the superintendent; 25% of which will be retained until the final completion of the work. All materials, tools, labor &c to be furnished by the contractor and he is required to give the work his personal supervision and cannot subcontract any part of the work without the consent of the County Commissioners.

## The Curry Road Improvement.

The right is reserved by the Commissioners to make any change at any time during the progress of the work that they deem necessary, which will be added to or deducted from the contract price at the rate of the contract.

Bond to be given by contractor within 5 days after sale of the work. Bond to be approved by County Commissioners.

The contractor will be required to preserve and mark in a good and substantial manner all monuments and corners to lands; and this he shall do or cause to be done according to the instructions of the superintendent.

In case it be necessary in order to secure a proper outlet for any sewer that crosses the road the contractor shall without extra compensation therefor, cut an outlet for the same under the instructions and directions of the superintendent; which outlet shall be at least one foot wide in the bottom which banks sloped at an angle of one and one half to one.

Specifications must be enforced.

To be completed on or before

The following is the estimated cost of improving said road under the above specifications.

## Estimates.

|              |  |                  |
|--------------|--|------------------|
| Section - 1. | Station 0 to Station 26.40             |                  |
|              | Excavation 232 cubic yards at 10¢      | \$ 23.20         |
|              | Embankment 1137 cubic yards at 10¢     | \$ 113.70        |
|              | Gravel 982 " " at .60¢                 | \$ 589.20        |
|              | Sewer pipe 54' 12" pipe at 25¢ per ft. | \$ 13.50         |
|              |  | <u>\$ 739.60</u> |
| Section - 2. | Station 26.40 to Station 52.80         |                  |
|              | Excavation 240 cubic yards at 10¢      | \$ 24.00         |
|              | Embankment 1407 " " "                  | \$ 140.70        |
|              | Gravel 977 " " "                       | \$ 586.20        |
|              | Sewer pipe 52' 12" pipe                | \$ 13.00         |
|              |  | <u>\$ 763.90</u> |
| Section 3.   | Station 52.80 to Station 79.20         |                  |
|              | Excavation 247 cubic yards             | \$ 24.70         |
|              | Embankment 837 " " "                   | \$ 83.70         |
|              | Gravel 978 " " "                       | \$ 586.80        |
|              | Sewer pipe 52' 12" pipe                | \$ 13.00         |
|              |  | <u>\$ 708.20</u> |
| Section 4.   | Station 79.20 to Station 105.60        |                  |
|              | Excavation 136 cubic yards             | \$ 13.60         |
|              | Embankment 1020 cubic yards            | \$ 102.00        |
|              | Gravel 978 " " "                       | \$ 586.80        |
|              | Sewer pipe 52' 12" pipe                | \$ 13.00         |
|              |  | <u>\$ 715.40</u> |

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Section 5 - Station 105.60 to Station 122.31

|            |     |             |                  |
|------------|-----|-------------|------------------|
| Excavation | 77  | cubic yards | \$ 7.70          |
| Embankment | 944 | " "         | \$ 94.40         |
| Gravel     | 619 | " "         | \$ 371.40        |
| Sewer pipe | 52' | 12" pipe    | \$ 13.00         |
|            |     |             | <u>\$ 486.50</u> |

Totals:

|            |      |             |                   |
|------------|------|-------------|-------------------|
| Excavation | 932  | cubic yards | \$ 93.20          |
| Embankment | 5345 | " "         | \$ 534.50         |
| Gravel     | 4534 | " "         | \$ 2720.40        |
| Sewer pipe | 260' | 12" pipe    | \$ 65.50          |
|            |      |             | <u>\$ 3413.60</u> |

All of which is respectfully submitted this day of Feb'y. 1901

R. P. Shotts  
 S. J. Paulin } Viewers  
 Peter Dorn }

J. H. Asher, Surveyor.

Commissioner's Office, Madison County,  
 London, Ohio, March 6<sup>th</sup> 1901.

Commissioners met in regular quarterly session pursuant to adjournment of March 5<sup>th</sup> 1901.

Present: Chas. W. Markley, H. E. Bradley and Jas. B. Anderson.

In the matter  
 of the Curry  
 Road Improvement

The report of the Viewers heretofore appointed in the above matter having been made as required by law the Board on this day proceeded to consider the same; after a careful examination of the returns of said Viewers the Board find that in their judgement, said proposed improvement is of such a nature and general benefit, as should in fairness be paid out of the County Treasury; said Board having taken into consideration the benefit that such locality has derived from the bridge and other general funds of the County in comparison with other portions thereof.

The Board also find that the proceedings heretofore had were in conformity to law.

Thereupon the board caused said report, drawings &c to be filed in the office of the County Auditor for the inspection of all persons interested.

Therefore - Be it resolved by the Board of County Commissioners that said improvement is a public necessity and that the same be made in the following manner.

The road to be opened to a width of 40 feet; 20 feet on each side of the center line thereof.

The grade to be made 24 feet wide; 12 feet on each side of the center line of the road and to be made to crown 6 inches to

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the center line of the gravel.

The sides of all cuts, fills &c to be made on a slope of at least one and one half to one.

The gravel to be placed upon the right hand side of the grade 10 feet wide and 12 inches deep, side and center. the center line thereof parallel to and three feet to the right of the center line of the road making the center line of the gravel immediately over the crown of the grade.

That said improvement be made over the following described route to wit:

Beginning at a stake in the center of the Federal Road, corner to the lands of C. S. Gordin and Sarah Beaddy; Thence S. 6° 30' W. 3859 feet to a stake in the north line of Mary S. Shurt and corner to school lot and C. S. Gordin; Thence N. 86° 10' W. 1941 feet to a stone north west corner to said Shurt and north east corner to Geo. L. Correll; thence S. 4° 41' W. 2441 feet to a stone corner to L. H. Houston and E. Ridenour; Thence S. 4° 30' W. 1721 feet to a stone in the west line of said Ridenour; Thence N. 85° 35' West 2269 feet to a stake in the line between Green and Madison Counties and there terminating.

A distance in all of 12231 feet or two miles and 101.27 rods.

(For changes in Viewers Report see Report; said changes do not increase the estimated cost thereof.)

That said improvement be made under the supervision of J. St. Asher, County Surveyor, a competent and disinterested person as Superintendent of the work; said superintendent shall be under the control and direction of the Board of Commissioners and shall proceed to advertise and sell the work of constructing the improvement; said superintendent must, with the approval of the County Commissioners make a contract for the performance of the work.

Payment for said work to be made out of County Road Fund.

Opinion of Attorney General in the matter of The Dury Road Improvement.

Columbus, Ohio, March 9<sup>th</sup> 1901.

C. R. Hornbeck, Prosecuting Attorney, London, Ohio.

Dear Sir:

In your letter of March 7, you request of this office an opinion as to the proper construction of Senate Bill No. 126, 94, O. S., 403. This act relates to the improvement of certain roads in counties having improved graveled free roads. The particular question presented relates to the construction of section 6 of said act, which reads as follows: "Said Commissioners may issue and sell at not less than five per cent the bonds of said county in sums of one hundred dollars, or multiples thereof, bearing interest not exceeding three years to run, payable principal and interest at the Treasury of said county, or at such point in the City of

## The Bury Road Improvement.

New York as may be designated therein, for the amount necessary to cover the cost of such improvement, which shall not exceed two thousand dollars per mile, and shall provide for the payment of such bonds by the necessary levies upon the grand duplicate of the County. Provided such bonds may be paid out of the bridge fund or general road improvement fund, or both, and the levy for either or both of said funds may be increased above that now provided by law to the amount necessary to meet such expenses &c.

This section is permissive merely. The first part of the section authorizes the commissioners to issue and sell bonds of the County for the purpose of providing funds necessary to pay the cost of such road improvements, while the latter part of the section provides for the levying of taxes with which to pay the bonds after the same have been issued. For this purpose the Commissioners are authorized to increase the levy for the bridge fund, or general road improvement fund or both, by such amount as may be necessary to meet the expense of taking up the bonds as they mature. As above stated however, this section is permissive only, and not mandatory, and if a sufficient amount of money is present in the bridge fund or road improvement fund or both, and not needed for the use of such funds, there can be no valid reason why the cost of such improvement should not be paid out of such funds without the necessity of issuing bonds.

You are advised therefore, that it is unnecessary for the County Commissioners to issue bonds to pay the cost of such road improvement, when there is a sufficient amount of money in the County bridge or general road improvement fund, or both, to cover the cost of such improvement and not needed for the ordinary purposes of such funds.

Very Truly,

J. E. Todd. Asst. Atty. General.

### Road Improvement Contract.

Articles of agreement entered into this 15<sup>th</sup> day of April, 1901, by and between Brough and Beer, party of the first part and J. H. Asher, as Engineer of the Bury Road Improvement, petitioned for by J. B. Ware and others, and ordered to be made by the Commissioners of Madison County, Ohio, at their session March 6<sup>th</sup> 1901, of the second part, in witness:

That the party of the first part hereby promises and agrees to execute and finish in the most substantial and workmanlike manner and to the satisfaction and acceptance of said Engineer and the Commissioners of Madison County, Ohio, all the work upon that part of said Road Improvement, and in manner described in specifications, plat, profile and cross-sections of said road as made out by said Engineer,

## The Curry Road Improvement.

and on file in the office of the Auditor of Madison County, Ohio, said specifications, profile, etc. are made a part of this contract.

Said Pugh & Beer is to do said work for the sum of Thirty Four Hundred and Thirteen <sup>and</sup>  $\frac{4}{100}$  Dollars, to be paid in cash, and the payments thereof to be made according to the estimates as set forth in the specifications.

Said Pugh & Beer agree to have said work fully completed by the first day of August 1901, or forfeit Five Dollars per day of contract price for each working day after said date until work is completed.

In witness whereof the said Pugh and Beer and the said J. H. Asher, in his capacity as Engineer only, have hereunto set their hands the day and year above mentioned.

J. H. Asher, Engineer. Pugh & Beer, Contractor.  
Approved by us this 15<sup>th</sup> day of April 1901.

Chas. B. Markley,  
H. E. Bradley,  
Jas. B. Anderson } County Commissioners

## Contractors' Bond.

Know all Men by these Presents, that we, Thomas Pugh and John Beer of the firm of Pugh and Beer, W. L. Blingan and George Pugh of the County of Madison and State of Ohio, are held and firmly bound unto the Board of County Commissioners of Madison County, Ohio, for the use of said County in the sum of Six Thousand Eight Hundred and Twenty Seven <sup>and</sup>  $\frac{20}{100}$  Dollars, for the payment of which sum we bind ourselves, jointly and severally, our heirs, and executors and administrators.

Done at London, this 15<sup>th</sup> day of April 1901.

The condition of the above obligation is such that if the said Pugh and Beer shall well and truly perform the stipulations upon his part to be performed of a certain agreement of even date herewith for the construction of sections 1, 2, 3, 4 & 5, of the improvement of the Curry Road in Madison County, Ohio, entered into by said J. H. Asher as Engineer and Superintendent of said improvement, and Thos. Pugh and John Beer, as parties to said agreement, then this obligation shall be void; otherwise it will remain in full force.

Approved by us this 15<sup>th</sup> day of March, 1901.

Chas. B. Markley,  
H. E. Bradley,  
Jas. B. Anderson } County Commissioners

## The Wury Road Improvement.

Commissioner's Office, Madison County,  
London, Ohio, April 15<sup>th</sup> 1901.

Board met today in regular session.

Present: Chas. H. Markley, H. E. Bradley and Jas. B. Anderson.

In the matter of } Approval of Contractors Bond.  
The Wury Road }  
Improvement. }

The 9<sup>th</sup> day of April, 1901, being the day advertised for the sale of The Wury Road Improvement, and it appearing to the Board that due notice of the time and place of said sale had been given as required by law, the same was offered for sale. Pugh and Beer having bid fully to improve the entire road for the sum of Thirty Four Hundred and Thirteen and 6/100 Dollars (\$3413.<sup>60</sup>) and said bid being the lowest and best the said road was sold to them accordingly and Pugh and Beer entered into a good and sufficient bond in the sum Six Thousand, Eight Hundred and Twenty Seven and 20/100 Dollars, with W. L. Blingan and George Pugh as sureties, for the faithful performance of said contract, according to the specifications, which bond was accepted by the Commissioners.

The roll being called for the approval of the above matter, all members voted "aye."

Chas. H. Markley, } Commissioners  
H. E. Bradley } of  
Jas. B. Anderson } Madison County

Notice Approval Contract and Bond.  
for constructing Road.

Auditor's Office, Madison County, Ohio.

April 16<sup>th</sup> 1901.

To Pugh and Beer, Contractors:

You are hereby notified that the Contract and Bond made and taken between you and the Engineer, for constructing The Wury Road Improvement, petitioned for by J. W. Wury et al; now on file with the Auditor of said County, have been duly approved by the Commissioners.

B. A. Taylor, County Auditor.

Recorded Dec. 13<sup>th</sup> 1901. B. A. Taylor, County Auditor.

